Amendments to the Claims

Please amend claims 1, 12, 22 and 27 as follows. This listing of claims will

replace all prior versions, and listings, of claims in the application:

1   1.   (Currently Amended) A method for locating an efficient server among

2   servers mirroring a network site, comprising:

3   receiving by a first server an incoming connection from a client in communication

4   with said servers over a network;

5   providing a first efficiency rating for communication between the first server and

6   the client, wherein the first efficiency rating has an associated first predicted reliability

7   rating associated with the first server;

8   determining a second efficiency rating for communication between a second

9   server and the client, wherein said determining the second efficiency rating has an

10 associated second is based in part on a predicted reliability rating for associated with

11 the second server; and

12   directing the client to subsequently communicate with the second server when

13 the second efficiency rating is worse better than the first efficiency rating but the second

14 predicted reliability is better than the first predicted reliability.

15   2.   (Original)   The method of claim 1, wherein said providing the first

16 efficiency rating comprises a selected one of: measuring communication efficiency

17 between the first server and the client, and looking-up a previously measured

18 communication efficiency between the first server and the client.

1   3.   (Previously Presented) The method of claim 1, further comprising:

2   wherein said directing comprises returning a network resource to the client

3   containing at least one reference therein to the second server.

4   4.   (Original)   The method of claim 3, wherein the at least one reference

5   comprises a web page element linking to the second server such that activation thereof

6   by the client causes the client to contact the second server.

7   5.   (Original)   The method of claim 3,

8   wherein the network resource received from the first server comprises a tag

9   based data structure having embedded identifiers specifying resources located on the

10   network, and

11   wherein the at least one reference is an embedded identifier specifying a network

12   resource of the second server.

13   6.   (Original)   The method of claim 1, further comprising:

14   returning a network resource to the client;

15   configuring the network resource so as to cause the client to contact the second

16   server so that the second server can measure a second efficiency rating for

17   communication with the client; and

18   retrieving the second efficiency rating.

19   7.   (Original)   The method of claim 1, wherein each of said servers store

20   efficiency ratings on a commonly accessible storage device.

1   8.   (Previously Presented) The method of claim 1, further comprising:

2   storing efficiency ratings for communication with the client on a storage device;

3 and

4   retrieving at least one of said stored efficiency ratings from said second server

5 over a communication channel different from the network.

6   9.   (Previously Presented)   The method of claim 1, wherein said providing

7 the efficiency rating comprises determining an end-user delay between the client

8 requesting a first network resource from at least one of said servers, and the client's

9 receiving said requested first network resource therefrom.

10   10.   (Original)   The method of claim 1, wherein the incoming connection

11 from the client is generated by a browser, and wherein the efficiency rating measures

12 efficiency of delivering web page resources to the client.

13   11.   (Original)   The method of claim 1, further comprising:

14   contacting a resolution service so as to determine the first server has a closest

15 geographical proximity to the client;

16   contacting the first server in accordance with its being geographically closest to

17 the client; and

18   contacting the second server in accordance with the second server having the

19 higher efficiency rating notwithstanding the first server being geographically closest to

20 the client.

1   12.   (Currently Amended) An article, comprising a storage medium having

2   instructions for locating an efficient server among servers mirroring a network site

3   encoded thereon for execution by a processor, said instructions capable of directing the

4   processor to perform:

5   receiving by a first server an incoming connection from a client in communication

6   with said servers over a network;

7   providing a first efficiency rating for communication between a first server and the

8   client, wherein the first efficiency rating has an associated first predicted reliability rating

9   associated with the first server wherein said providing comprises a selected one of:

10   measuring communication efficiency between the first server and the client, and

11   looking up a previously measured communication efficiency between the first server

12   and the client;

13   determining a second efficiency rating for communication between a second

14   server and the client, wherein said determining the second efficiency rating is based in

15   part on a second predicted reliability rating associated with the second server; and

16   directing the client to subsequently communicate with the second server when

17   the second efficiency rating is worse better than the first efficiency rating but the second

18   predicted reliability is better than the first predicted reliability.

19   13.   (Previously Presented) The article of claim 12, wherein said instructions

20   for directing the client to subsequently communicate with the second server comprise

21   instructions to direct the processor to perform:

1   returning a network resource to the client containing at least one reference

2   therein to the second server.

3   14.   (Previously Presented) The article of claim 13, wherein the at least one

4   reference comprises a web page element linking to the second server such that

5   activation thereof by the client causes the client to contact the second server.

6   15.   (Previously Presented) The article of claim 13,

7   wherein the network resource received from the first server comprises a tag

8   based data structure comprising embedded identifiers specifying resources located on

9   the network, and

10   wherein the at least one reference is an embedded identifier specifying a network

11   resource of the second server.

12   16.   (Previously Presented) The article of claim 12, said instructions including

13   further instructions for:

14   returning a network resource to the client;

15   configuring the network resource so as to cause the client to contact the second

16   server so that the second server can measure a second efficiency rating for

17   communication with the client; and

18   retrieving the second efficiency rating.

19   17.   (Previously Presented) The article of claim 12, wherein each of said

20   servers stores measured communication efficiency ratings on a commonly accessible

21   networked storage device.

1   18.   (Previously Presented) The article of claim 12, said instructions including

2   further instructions for:

3   storing by the first server and the second server of efficiency ratings for

4   communication with the client on a storage device associated thereto;

5   wherein the first server retrieves stored efficiency ratings from said second over a

6   communication channel different from the network.

7   19.   (Previously Presented) The article of claim 12, wherein said instructions

8   for measuring efficiency ratings include further instructions for:

9   determining an end-user delay between requesting a first network resource from

10 said servers, and the client's receiving said requested first network resource in

11 response thereto.

12   20.   (Previously Presented) The article of claim 12, wherein the incoming

13 connection from the client is generated by a browser, and wherein the efficiency rating

14 measures efficiency of delivering web page resources to the client.

15   21.   (Previously Presented) The article of claim 12, said instructions including

16 further instructions for:

17   providing a network site identifier to a resolution service for determining a

18 geographically closest server of said servers mirroring the network site;

19   contacting said geographically closest server in accordance with its being

20 geographically closest to the client; and

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1   contacting the second server in accordance with the second server having the

2   higher efficiency rating notwithstanding the first server being geographically closest to

3   the client.

4   22.   (Currently Amended) A method, comprising:

5   determining a first server being geographically closer to a client than a second

6   server;

7   determining a first efficiency rating of communication between the client and the

8   first server, wherein the first efficiency rating has an associated first predicted reliability

9   rating associated with the first server;

10   determining a second efficiency rating of communication between the client and

11   the second server, wherein said determining the second efficiency rating has an

12   associated second is based in part on a predicted reliability rating associated with the

13   second server; and

14   evaluating whether the first second efficiency rating exceeds the second first

15   efficiency rating but the first predicted reliability is substantially less than the second

16   predicted reliability, and if so, providing a web page of the first server which contains

17   content linking to the second server.

18   23.   (Previously Presented) The method of claim 22, further comprising:

19   determining said first efficiency rating based in part on first contacting by the

20   client of the first server; and

21   determining said second efficiency rating based at least in part on second

22   contacting by the first server of the second server.

1   24.   (Previously Presented) The method of claim 23, further comprising:

2   maintaining by the second server a rating table indexed according to client

3   network addresses;

4   storing in said table an entry for each site hosting a copy of the web site, each

5   entry indicating a measured communication efficiency between the client and each

6   corresponding hosting site; and

7   sending to the first server said measured communication efficiency between the

8   second server and the client.

9   25.   (Original) The method of claim 24, wherein measuring communication

10   efficiency between the client and the first and second servers comprises:

11   first requesting first network resources from the first server, and determining a

12   first end-user delay for the client in receiving said first network resources; and

13   configuring said first network resources to include web page data to cause the

14   client to perform a second requesting of second network resources from the second

15   server; and

16   determining a second end-user delay for the client in receiving said second

17   network resources.

18   26.   (Original) The method of claim 22, further comprising:

19   if the second efficiency rating exceeds the first efficiency rating, then receiving a

20   web page from the first server with all web links directed towards the second server;

21   and

1   if the first efficiency rating exceeds the second efficiency rating, then receiving

2   the web page from the first server with all web links directed towards the first server.

3   27.   (Currently Amended) An article comprising a storage medium having

4   instruction encoded thereon, said instructions, which when executed by a processor,

5   are capable of directing the processor to:

6   determine a first server being geographically closer to a client than a second

7   server, wherein the first efficiency rating has an associated first predicted reliability

8   rating associated with the first server;

9   determine a first efficiency rating of communication between the client and the

10 first server;

11   determine a second efficiency rating of communication between the client and

12 the second server, wherein said determining the second efficiency rating has an

13 associated second is based in part on a predicted reliability rating associated with the

14 second server; and

15   evaluate whether the first second efficiency rating exceeds the second first

16 efficiency rating but the first predicted reliability is substantially less than the second

17 predicted reliability, and if so, providing a web page of the first server which contains

18 content linking to the second server.

19   28.   (Previously Presented) The article of claim 27, said instructions including

20 further instructions to:

21   determine said first efficiency rating based in part on first contacting by the client

22 of the first server; and

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1   determine said second efficiency rating based at least in on part on second

2   contacting by the first server of the second server.

3   29.   (Previously Presented) The article of claim 28 said instructions including

4   further instructions to:

5   maintain by the second server a rating table indexed according to client network

6   addresses;

7   store in said table an entry for each site hosting a copy of the web site, each

8   entry indicating a predicted communication efficiency between the client and each

9   corresponding hosting site; and

10   send to the first server, responsive to said contacting by the first server, said

11   predicted communication efficiency for the second server and the client.

12   30.   (Original) The article of claim 29, wherein predicting communication

13   efficiency between the client and the first and second servers comprises:

14   first request first network resources from the first server, and determine a first

15   end-user delay for the client in receiving said first network resources;

16   configure said first network resources to include web page data to cause the

17   client to perform a second request of second network resources from the second server;

18   and

19   determine a second end-user delay for the client in receiving said second

20   network resources.

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1   31.   (Original) The article of claim 27, said instructions including further

2   instructions to:

3   determine if the second efficiency rating exceeds the first efficiency rating, and if

4   so, then receive a web page from the first server with all web links directed towards the

5   second server; and

6   determine if the first efficiency rating exceeds the second efficiency rating, and if

7   so, then receive the web page from the first server with all web links directed towards

8   the first server.